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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,512	12/20/2000	Jean-Christophe Audonnet	454313-2541.2	8436

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050327

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Commissioner for Patents

The reply filed on January 18, 2005 is not fully responsive to the prior Office action. Since applicant has received an action on the merits for the originally presented inventions, these inventions has been constructively elected by original presentation for prosecution on the merits. Applicant is requested to provide a set of claims commensurate with the originally elected inventions, to which previously stated, Applicant has already received an action on the merits.

The originally presented invention was directed to a vaccine composition comprising the first antigen P21 and the second antigen, Cp 15/60 and the subject matter of claim 30 is directed to bovine. This election was made by Applicant in a response filed August 21, 2002. In the response filed January 18, 2005, Applicant asserts that the elected species should be directed to a vaccine comprising a combination of the antigens Cp15/60, bovine coronavirus, E. coli K99 and E. coli F41. The originally elected invention and the newly presented invention are directed to structurally different compositions. The MPEP at 706.07(h) states: "Presentation of claims for different invention" - Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145. If an RCE is filed with an amendment canceling all claims drawn to the elected invention and presenting only claims drawn to a nonelected invention, the RCE should be treated as a proper RCE but the amendment should not be entered".

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY.


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Any inquiry of the general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Office Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for the Group 1600 is (703) 872-9306.

Any inquiry concerning this communication from the examiner should be directed to Vanessa L. Ford, whose telephone number is (571) 272-0857. The examiner can normally be reached on Monday - Friday from 9:00 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached at (571) 272-0864.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov/>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vanessa L. Ford
Biotechnology Patent Examiner
March 27, 2005


LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER